IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 377 of 1991
with
CRIMINAL MISC. APPLICATION No. 1473 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ODHAVJI GOVINDJIBHAI MISTRI
Versus
MANGALBHAI FATABHAI PARMAR & ANR

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Appearance :
MR AJ PATEL for Applicant
NOTICE UNSERVED for Respondent No.3
MR ASHOK PATEL FOR MR JD AJMERA for Respondents No.1, 2, 4
MR SS PATEL APP for Respondent No.5

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA

Date : 06/10/2006

ORAL JUDGMENT

1. This Criminal Revision Application is preferred against the judgment and order passed by the learned Chief Judicial Magistrate, Nadiad on 15th January, 1991 in Criminal Case No.4052/1983 whereby the accused i.e. the present respondents came to be discharged from the said Criminal Case for the offences punishable under Sections 427, 406, 465 and 114 of the Indian Penal Code.

2. Odhavji Govindjibhai Mistri, present applicant – original complainant of the said Criminal Case preferred this Criminal Revision Application against the above said judgment and order discharging the respondents as accused and, thereafter, it appears that Odhavji Govindjibhai Mistri died during pendency of the Criminal Revision Application and Criminal Misc. Application No.1473/1994 in Criminal Revision Application

No.377/1991 came to be filed by legal heirs of deceased Odhavji Govindjibhai Mistri, applicant herein to join applicants of Criminal Misc. Application No.1473/1994 as applicants/petitioners in place of deceased Odhavji Govindjibhai Mistri.

3. This matter was many time adjourned and in all thirteen times was adjourned. Today even, learned advocate for the applicant in Criminal Misc. Application No.1473/1994 is not present, while learned advocate Mr.Ashok Patel for learned advocate Mr.J.D.Ajmera for the respondents No.1, 2 and 4 is present and learned APP Mr.S.S.Patel for the respondent No.5 is present.

4. Learned advocate Mr.Ashok Patel for the respondents No.1, 2 and 4 places on record one xerox copy of the compromise pursis entered into between the parties in one Special Civil Suit No.38/1994 whereby the applicants of Criminal Misc. Application No.1473/1994 and legal heirs of original

complainant - Odhavji Govindjibhai Mistri and respondents of the present Criminal Revision Application reached to a compromise in respect of dispute between them and vide para-6 of the said compromise pursis, it was agreed between the parties that the legal heirs of deceased Odhavji Govindjibhai Mistri shall withdraw the present Criminal Revision Application as well as Criminal Misc. Application No.1473/1994 filed by the legal heirs of deceased Odhavji Govindjibhai Mistri. That compromise is recorded by the concerned Court and directed to draw a decree in terms of the said compromise.

5. In above view of the matter as well as when none appears on behalf of the applicants in Criminal Misc. Application No.1473/1994, both these matters are required to be dismissed.

6. In the result, the present Criminal Revision Application as well as Criminal Misc. Application No.1473/1994 both stand dismissed. Rule is discharged. Interim

relief, if any, granted by this Court stands vacated.

[J. R. VORA,J.]

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